

PTO/SB/26 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**Docket Number (optional)  
CJB-0304

In re Application of: Shtomo Antika et al

Application Number 10/634,695 [810035]

Family Number P2000J070 US4

Filed: August 5, 2003

For: METHOD FOR LUBRICATING HIGH PRESSURE HYDRAULIC SYSTEM USING PHOSPHATE ESTER  
HYDRAULIC FLUID

The owner, ExxonMobil Research and Engineering Company (formerly Exxon Research and Engineering Company) of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,703,355 B2. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

Mr. Marin  
SIGNATURE

8/5/04  
DATE

MARK D. MARIN  
TYPED OR PRINTED NAME

50,842  
REGISTRATION NO.

☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

☒ Terminal disclaimer fee under 37 CFR 1.20(d): charge Deposit Account No. 05-1330.

\* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.



27810

PATENT TRADEMARK OFFICE

MDM:kak

8/5/2004

08/30/2004 RHOLLAND 00000002 051330 10634695

PAGE 44 \* RCDV AT 8/9/2004 8:26:34 AM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/1 \* DNS:8729306 \* CSID:908 730 3649 \* DURATION (mm:ss):01:28

01 FC:1814

110.00 DA

*Free  
changed*